UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
03/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2009*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-129* is/are pending in the application.

    4a) Of the above claim(s) *16, 41-51, 66, 92 - 102, 105, 108, 111, 114* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, 17-40, 52-65, 68-91, 103-104, 106-107, 109-110, 112-113, 115-129* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date *1/30/2009*.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Continuation of Disposition of Claims: Claims pending in the application are 1-15,17-40,52-65,68-91,103,104,106,107,109,110,112,113 and 115-129.

DETAILED ACTION

This action is in response to Amendment submitted on 1/30/2009 in which claims 1 – 15,17 – 40,

52 – 65, 68 - 91, 103 - 104, 106 - 107, 109 - 110, 112 - 113, 115 - 129 are presented for

examination.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 1/30/2009 has been entered.

Claim Rejections - 35 USC § 112

2.   Claim 83 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Claim 83 recites the limitation "the means for ascertaining comprising". There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3.   Claims 1 – 7, 10 -11, 14- 15, 52 - 58, 61 - 62, 65, 103, 106, 109, 112, 115, 118, 123 - 124,

and 129 are rejected under 35 U.S.C. 102(e) as being anticipated by Davies et al. (US

6,853,634).

As to claims 1, 52, 103, 106, 109, and 112, Davies et al. teaches a method, an apparatus

with means for , a computer-readable medium, and system for routing a communication to a

preferred device (column 3 lines 34 - 38, 56 - 62; column 4 lines 9 - 13, 31 - 36), comprising:

a voice network (column 5 lines 31 – 50; column 6 lines 11 - 24);

a data network (column 5 lines 31 – 50; column 6 lines 11 – 24); and

a service center operable to intercept a communication from a calling party to a device

associated with a particular user (Abstract; column 6 lines 25 - 44, 59 -66); retrieve data

corresponding to the user using the received information (column 7 lines 12 – 25, 33 – 45);

determine whether the preferred device of the user requires a different data format than a device

used by the calling party to initiate the communication ; reformat the communication to match

the data format of the preferred device if the preferred device requires a different data format (

column 17 lines 31 - 49); and route the communication to the preferred device of the user in the

data format of the preferred device (column 7 lines 46 -49; column 17 lines 31 – 49).

As to claims 2 and 53, Davies et al. further teaches wherein retrieving data comprises:

accessing a database for call preference information corresponding to the user (column 7 lines 12

– 25, 33 – 45; column 14 lines 39 – column 15 line 7).

As to claims 3 and 54, Davies et al. further teaches wherein the call preference information comprises an indication of a device to which communications should be forwarded (column 7 lines 12 – 25, 33 – 45; column 14 lines 39 – column 15 line 7).

As to claims 4 and 55, Davis et al. further teaches wherein determining a preferred device comprises: specifying the preferred device to be a device indicated in the call preference information (column 6 lines 25 – 44; column 7 lines 12 – 25, 33 – 45; column 14 lines 39 – column 15 line 7).

As to claims 5 and 56, Davis et al. further teaches wherein determining a preferred device comprises: specifying the preferred device to be a predetermined default device (column 7 lines 12 – 25, 33 – 45; column 10 lines 26 - 59; column 14 lines 39 – column 15 line 7, 62 – column 16 line 5; column 18 lines 37 - 44).

As to claims 6 and 57, Davis et al. further teaches wherein determining a preferred device comprises: specifying the preferred device to be a device last used by the user (column 6 lines 45 – 58; column 7 lines 12 – 25, 33 – 45; column 10 lines 26 - 59; column 14 lines 39 – column 15 line 7).

As to claims 7 and 58, Davis et al. further teaches wherein determining a preferred device comprises : specifying the preferred device based on information reflecting a time period during which a particular device is the preferred device (column 7 lines 12 – 25, 33 – 45; column 14 lines 39 – column 15 line 7).

As to claims 10 and 61, Davis et al. further teaches routing the communication to the preferred device without reformatting the communication if the preferred device does not require a different data format (column 17 lines 43 – 49; column 19 lines 1 – 6).

As to claims 11 and 62, Davis et al. further teaches the data format of the device of the calling party comprises voice data and the data format of the preferred device of the user comprises text data, or vice versa (column 17 lines 43 - 49).

As to claims 14 and 65, Davis et al. further teaches wherein reformatting the communication comprises: automatically converting incoming data associated with the communication to new incoming data with the data format of the preferred device of the user (column 17 lines 43 – 49).

As to claim 15, Davis et al. further teaches determining whether incoming data associates with the communication has a data type that is accepted by the preferred device (column 17 lines 43 – 49).

As to claims 115 and 118, Davis et al. further teaches wherein determining a preferred device comprises: specifying the preferred device based on information reflecting the user's location (column 6 lines 45 – 58; column 7 lines 12 – 25, 33 – 45; column 10 lines 26 - 59; column 14 lines 39 – column 15 line 7).

As to claims 123 and 124, Davis et al. further teaches wherein intercepting a communication comprises:

detecting the communication from the calling party (column 6 lines 59 - 66); and intercepting the communication upon detecting an intercept trigger associated with the communication (connection request with presence management system identifier, column 6 lines 59 – column 7 line 2).

As to claim 129, Davis et al. further teaches a method for routing a communication to a preferred device, comprising:

receiving information pertaining to a communication to a user from a calling party; retrieving data corresponding to the user using the received information (column 7 lines 12 – 25, 33 – 45); determining a preferred device of the user based on the retrieved data (column 7 lines 12 – 25, 33 – 45); determining whether the preferred device of the user requires a different data format than a device used by the calling party to initiate the communication ; reformatting the communication to match the data format of the preferred device if the preferred device requires a different data format, the reformatting comprising presenting the calling party with an appropriate overlay to communicate with the preferred device of the user (column 17 lines 31 - 49); and routing the communication to the preferred device of the user in the data format of the preferred device (column 7 lines 46 -49; column 17 lines 31 – 49).

Claim Rejections - 35 USC § 103

4.   Claims 8-9 and 59 - 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 6,853,634) in view of Wittenkamp (US 2002/0082028).

For claims 8- 9 and 59 -60, Davis et al. fail to teach determining whether the user is associated with a do not disturb mode and routing the communication to voice mail based on the determination.

However, Davis et al. discloses establishing rules for the purpose of determining how to route a communication based on the context of the user (column 7 lines 12 – 25, 33 – 45).

Moreover, Wittenkamp discloses a method for the purpose of routing a communication to a preferred device wherein a communication is routed to voicemail based on the context of the user, i.e. in a do not disturb mode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Davis et al. with the teachings of Wittenkamp so that a do not disturb mode is included in the presence management system disclosed above in Davis et al. as a context for the purpose of routing calls to a preferred device, i.e. voicemail.

5.   Claim 12 – 13, 63 – 64, 125, and 127, are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 6,853,634) in view of Examiner's Official Notice.

For claims 12 and 63, Davis et al. discloses receiving the reformatted communication from the device used by the calling party (column 17 lines 44 – 49), yet fails to teach sending a request for the data format of the device used by the calling party.

The examiner take official notice that it would have been well known in the art at the time of applicant's invention that the data format of the calling party would have to be known by sending the data format either along with a request or in response to a request for the purpose of reformatting the data as disclosed above in Davis et al.

For claims 13 and 64, Davis et al. further discloses providing the device associated with the calling party with a graphical interface do use in entering the reformatted communication (Davis et al., column 6 lines 59 - 66).

For claims 125 and 127, Davis et al. further discloses wherein sending a request

comprises: presenting an appropriate overlay to communicate with the preferred device of the

user (Davis et al., column 17 lines 44 – 49).

6.   Claim 17 – 24, 32, 35 – 36, 39- 40, 68 – 75, 83, 86-87, 90 – 91, 104, 107, 113, 116, and

119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 6,853,634)

in view of Mashinsky (US 6,188,756).

For claims 17, 40, 68, 91, 104, 107, 110, and 113, Davies et al. discloses a method, an

apparatus with means for , a computer-readable medium, and system for routing a

communication to a preferred device (column 3 lines 34 - 38, 56 - 62; column 4 lines 9 - 13, 31 -

36), comprising:

a voice network (column 5 lines 31 – 50; column 6 lines 11 - 24);

a data network (column 5 lines 31 – 50; column 6 lines 11 – 24); and

a service center operable to receive information pertaining to a communication to a user from a

calling party, the communication to the user being initiated by an action of the calling party on a

data network (Abstract; column 6 lines 25 - 44, 59 -66); retrieve data corresponding to the user

using the received information and determine a preferred device of the user based on the

retrieved data (column 7 lines 12 – 25, 33 – 45); initiate a second call to the preferred device of

the user (column 7 lines 46 -49; column 17 lines 31 – 49); determine whether the preferred

device of the user requires a different data format than a device used by the calling party to

initiate the communication ; reformatting the communication to match the data format of the

preferred device if the preferred device requires a different data format (column 17 lines 31 -

49); and connecting a first call to a second call in the data format of the preferred device (

column 7 lines 46 -49; column 17 lines 31 – 49).

Yet, Davis et al. fails to teach initiating a first call to device of the calling party.

However, Mashinsky teaches a method and system for the purpose of interrogating and

ensuring the availability of a called party before placing a communication from the calling party

to the called party wherein upon placing a communication request from a calling party to a

control node associated with a called party, the control node determines the presence ,connects

the called party and, bridges the calling and called parties by initiating a callback to the calling

party(Abstract; column 2 lines 27 - 42; column 5 lines 6 – 49; column 8 lines 67 – column 9 line

24; column 10 lines 54 – column 11 line 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

applicant's to modify the teachings of Davis et al. with the teachings of Mashinsky so that the

connection between the calling and called parties can be bridged as disclosed above in Davis et

al. or after initiating callback to the calling party for the purpose of ensuring the availability of a

called party before placing a communication from the calling party to the called party.

For claims 18 and 69, Mashinsky further discloses wherein the action comprises clicking

on a hyperlink (Mashinksy, column 6 lines57 - 66; column 7 lines 10 - 17, 53 - column 8 line 7).

For claims 19 and 70, Davies et al. further discloses wherein retrieving data comprises:

accessing a database for call preference information corresponding to the user (Davis et al.,

column 7 lines 12 – 25, 33 – 45; column 14 lines 39 – column 15 line 7).

For claims 20 and 71, Davies et al. further discloses wherein the call preference information comprises an indication of a device to which communications should be forwarded (Davis et al., column 7 lines 12 – 25, 33 – 45; column 14 lines 39 – column 15 line 7).

For claims 21 and 72, Davis et al. further discloses wherein determining a preferred device comprises: specifying the preferred device to be a device indicated in the call preference information (Davis et al., column 6 lines 25 – 44; column 7 lines 12 – 25, 33 – 45; column 14 lines 39 – column 15 line 7).

For claims 22 and 73, Davis et al. further discloses wherein determining a preferred device comprises: specifying the preferred device to be a predetermined default device (Davis et al., column 7 lines 12 – 25, 33 – 45; column 10 lines 26 - 59; column 14 lines 39 – column 15 line 7, 62 – column 16 line 5; column 18 lines 37 - 44).

 For claims 23 and 74, Davis et al. further discloses wherein determining a preferred device comprises: specifying the preferred device to be a device last used by the user (Davis et al., column 6 lines 45 – 58; column 7 lines 12 – 25, 33 – 45; column 10 lines 26 - 59; column 14 lines 39 – column 15 line 7).

For claims 24 and 75, Davis et al. further teaches wherein determining a preferred device comprises : specifying the preferred device based on information reflecting a time period during which a particular device is the preferred device (Davis et al., column 7 lines 12 – 25, 33 – 45; column 14 lines 39 – column 15 line 7).

For claims 32 and 83, Davis et al. further discloses wherein determining whether the preferred device of the user requires a different data format than a device used by the calling

party to initiate the communication comprises: determining whether incoming data associated

with the first call has a data format that is accepted by the preferred device of the user (Davis et

al., column 17 lines 43 – 49; column 19 lines 1 – 6).

For claims 35 and 86, Davis et al. further discloses wherein connecting comprises

bridging the first and second call without reformatting the communication if the preferred device

of the user does not require a different data model (Davis et al., column 17 lines 43 – 49; column

19 lines 1 – 6).

For claims 36 and 87, Davis et al. further discloses the data format of the device of the

calling party comprises voice data and the data format of the preferred device of the user

comprises text data, or vice versa (Davis et al., column 17 lines 43 - 49).

For claims 39 and 90, Davis et al. further discloses wherein reformatting the

communication comprises: automatically converting incoming data associated with the

communication to new incoming data with the data format of the preferred device of the user

(Davis et al., column 17 lines 43 – 49).

For claims 116 and 119, Davis et al. further teaches wherein determining a preferred

device comprises: specifying the preferred device based on information reflecting the user's

location(Davis et al., column 6 lines 45 – 58; column 7 lines 12 – 25, 33 – 45; column 10 lines

26 - 59; column 14 lines 39 – column 15 line 7).

7.   Claims 25-31, 76-82, 117, and 120-122 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Davis et al. (US 6,853,634) in view of Mashinsky (US 6,188,756), and

further in view of Frey et al. (US 6,535,596).

For claims, 25-28 and 76-79, Davis et al. fails to teach retrieving data corresponding to the calling party; and determining a preferred device of the calling party based on the retrieved data.

However, Frey discloses a method for processing calls based on the calling party's profile wherein data corresponding to the calling party is retrieved from a database and preferences for the calling party are determined (Abstract; column 14 lines 13-26).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Davis et al. with teachings of Frey to store calling party preferences, i.e. preferred device in a database for the purpose of processing calls based on the calling party's profile.

For claims 29 and 80, the teachings of Davis et al. and Frey further discloses specifying the preferred device of the calling party to be a predetermined default device (Davis et al., column 7 lines 12 – 25, 33 – 45; column 10 lines 26 - 59; column 14 lines 39 – column 15 line 7, 62 – column 16 line 5; column 18 lines 37 - 44)(Frey, column 10 lines 20- 40).

For claims 30 and 81, the teachings of Davis et al. and Frey further discloses specifying the preferred device of the calling party to be a predetermined default device (Davis et al., column 6 lines 45 – 58; column 7 lines 12 – 25, 33 – 45; column 10 lines 26 - 59; column 14 lines 39 – column 15 line 7) (Frey, column 10 lines 20- 40).

For claims 31 and 82, Frey further discloses specifying the preferred device of the calling party based on information reflecting a time period during which a particular device is the preferred device of the calling party (Frey, column 11 lines 1-12).

For claims 117 and 120, the teachings of Davis et al. and Frey further discloses wherein determining a preferred device comprises: specifying the preferred device based on information reflecting the user's location(Davis et al., column 6 lines 45 – 58; column 7 lines 12 – 25, 33 – 45; column 10 lines 26 - 59; column 14 lines 39 – column 15 line 7)) (Frey, column 10 lines 20-40)..

For claims 121 – 122, Davis et al. further discloses wherein the predetermined default device is the device used by the calling party to initiate the communications (Davis et al., column 6 lines 45 – 58; column 7 lines 12 – 25, 33 – 45; column 10 lines 26 - 59; column 14 lines 39 – column 15 line 7)

8.   Claims 33 – 34 and 84-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 6,853,634), in view of Mashinsky (US 6,188,756), and further in view of Wittenkamp (US 2002/0082028).

For claims 33- 34 and 84-85 , Davis et al. fails to teach determining whether the user is associated with a do not disturb mode and routing the communication to voice mail based on the determination However, Davis et al. discloses establishing rules for the purpose of determining how to route a communication based on the context of the user (column 7 lines 12 – 25, 33 – 45).

Moreover, Wittenkamp discloses a method for the purpose of routing a communication to a preferred device wherein a communication is routed to voicemail based on the context of the user, i.e. in a do not disturb mode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Davis et al. with the teachings of Wittenkamp so that a do not disturb mode is included in the presence management system disclosed above in Davis et al. as a context for the purpose of routing calls to a preferred device, i.e. voicemail.

9.   Claim 37 – 38, 88 – 89, 126, and 128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (US 6,853,634) in view of Examiner's Official Notice.

For claims 37 and 88, Davis et al. discloses receiving the reformatted communication from the device used by the calling party (column 17 lines 44 – 49), yet fails to teach sending a request for the data format of the device used by the calling party.

The examiner take official notice that it would have been well known in the art at the time of applicant's invention that the data format of the calling party would have to be known by sending the data format either along with a request or in response to a request for the purpose of reformatting the data as disclosed above in Davis et al.

For claims 38 and 89, Davis et al. further discloses providing the device associated with the calling party with a graphical interface do use in entering the reformatted communication (Davis et al., column 6 lines 59 - 66).

For claims 126 and 128, Davis et al. further discloses wherein sending a request

comprises: presenting an appropriate overlay to communicate with the preferred device of the

user (Davis et al., column 17 lines 44 – 49).

Response to Arguments

10.   Applicant's arguments rejection(s) of claim(s) 1 – 15, 17 – 40, 52 – 65, 68 - 91, 103 - 104,

106 - 107, 109 - 110, 112 - 113, 115 - 129 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new

ground(s) of rejection is made.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The

examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/
Examiner, Art Unit 2614

March 11, 2009

/Rasha S AL-Aubaidi/
Primary Examiner, Art Unit 2614